



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,954	10/15/2003	Mitch Fredrick Singer	113748-4835US	8818

27189 7590 12/09/2010
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO, CA 92101

EXAMINER

KRISHNAN, VIVEK V

ART UNIT	PAPER NUMBER
----------	--------------

2433

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

12/09/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@procopio.com
PTONotifications@procopio.com

Office Action Summary	Application No. 10/686,954	Applicant(s) SINGER ET AL.	
	Examiner Vivek Krishnan	Art Unit 2433	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7-18,20-23,29,31 and 46-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7-18,20-23,29,31 and 46-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2433

DETAILED ACTION

This action is responsive to the Amendment/Arguments filed on October 1, 2010. Claims 6, 24-26, and 28 have been cancelled. No claims have been added. Claims 1, 3-5, 7-13, 18, 20-23, 29, 31, and 46-50 have been amended. Claims 1, 3-5, 7-18, 20-23, 29, 31, and 46-50 are pending.

Response to Arguments

1. Applicant's arguments with respect to Claim Rejections under 35 U.S.C. 112, first paragraph, have been fully considered and, in view of the amendments to the claims, are persuasive. The rejections of Claims 1, 3-18, 20-26, 28, 29, 31, and 46-50 have been withdrawn.
2. Applicant's arguments with respect to Claim Rejections under 35 U.S.C. 103 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1, 3-5, 13, 18, 20-23, 29, 31, 46, and 47 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent Application Publication No. 6,463,534 to Geiger et al. (hereinafter "Geiger").

5. As to Claim 1, Geiger discloses a method of adding a client as a member of a hub network, comprising:

detecting a client connected to a server in a hub network (Geiger; column 10 lines 8-54; connect);

authenticating the client to determine an identity of the client (Geiger; column 10 lines 8-54; authentication);

authorizing the client to determine that the client is a compliant device that operates according to rules defined for the hub network (Geiger; column 10 lines 8-54; authorization); and

adding the client as a member in the hub network when it is determined that the client has been detected, authenticated, authorized and is in a local environment of the server (Geiger; column 10 lines 8-54, column 12 lines 19-31; adding member); and

Art Unit: 2433

providing licenses for content data bound to the hub network to members of the hub network (Geiger; column 3 lines 13-23, column 4 lines 22-35, column 8 lines 28-45, column 10 lines 8-54; license certificates to members of domain);

wherein a source version of the content data is stored on the server, and copies of the source versions are stored on the compliant device as sub-copy versions (Geiger; column 8 lines 28-45, column 10 lines 8-54; server maintains source version of content and provides copies to domain members).

6. As to Claim 3, Geiger discloses the method of claim 1, wherein the rules defined for the hub network comprise disabling licenses for the sub-copy versions stored on the client when the client is removed as a member of the hub network (Geiger; column 13 lines 13-21, column 14 lines 9-19).

7. As to Claim 4, Geiger discloses the method of claim 3, wherein the rules defined for a hub network comprise disabling a key at the compliant device when the server informs the compliant device that the key has been revoked because the key has been compromised (Geiger; column 13 lines 13-21, column 14 lines 9-19, column 18 lines 37-44).

8. As to Claim 5, Geiger discloses the method of claim 1, further comprising wherein the client is added as a member of the hub network when it is further determined that a set of rules has been met (Geiger; column 10 lines 8-54).

Art Unit: 2433

9. As to Claim 13, Geiger discloses the method of claim 1, further comprising revoking the authorization of the client device when the server determines that the client has circumvented or broken the rules defined for the compliant device (Geiger; column 13 lines 13-21, column 14 lines 9-19, column 18 lines 37-44).

10. As to Claim 18, Geiger discloses a method of adding a client as a member of a hub network, comprising:

 sending a connection notification from a client to a server in a hub network so that the client can be detected by the server (Geiger; column 10 lines 8-54; connect);

 sending identification information from said client to said server to authenticate the client (Geiger; column 10 lines 8-54; authentication); and

 sending a compliance confirmation from the client to the server that confirms the client is a compliant device that operates according to rules defined fro the hub network (Geiger; column 10 lines 8-54; authorization);

 receiving an add confirmation at the client from the server; indicating said client has been added as a member in said hub network, as the client has been detected, authenticated, confirmed compliant, and is in a local environment of the server (Geiger; column 10 lines 8-54, column 12 lines 19-31; adding member); and

 providing licenses for content data bound to said hub network members of said hub network (Geiger; column 3 lines 13-23, column 4 lines 22-35, column 8 lines 28-45, column 10 lines 8-54; license certificates to members of domain);

Art Unit: 2433

wherein a source version of the content data is stored on the server, and copies of the source versions are stored on the compliant device as sub-copy versions (Geiger; column 8 lines 28-45, column 10 lines 8-54; server maintains source version of content and provides copies to domain members).

11. As to Claim 20, Geiger discloses the method of claim 18, wherein the rules defined for the hub network comprise disabling licenses for the sub-copy versions stored on the client when the client is removed as a member of the hub network (Geiger; column 13 lines 13-21, column 14 lines 9-19).

12. As to Claim 21, Geiger discloses the method of claim 18, wherein the rules defined for a hub network comprise disabling a key at the compliant device when the server informs the compliant device that the key has been revoked because the key has been compromised (Geiger; column 13 lines 13-21, column 14 lines 9-19, column 18 lines 37-44).

13. As to Claim 22, Geiger discloses the method of claim 18. Geiger further discloses wherein said compliance information indicates that the compliant device will not decrypt locked content data without a license that is bound to a hub network of which the compliant device is a member (Geiger; column 10 lines 8-54;).

Art Unit: 2433

14. As to Claim 23, Geiger discloses the method of claim 18, wherein the client is in the local environment of the server when the client is in a limited area defined relative to the server (Geiger; column 12 lines 19-31).

15. As to Claim 29, Geiger discloses a method of adding a client as a member of a hub network, comprising:

 sending a connection notification from a client to a server in a hub network through an intermediary device connected to said server so that the client can be detected by the server (Geiger; column 10 lines 8-54; connect);

 sending identification information from said client to said server through said intermediary device to authenticate the client (Geiger; column 10 lines 8-54; authentication); and

 sending a compliance confirmation from the client to the server through the intermediary device that confirms the client is a compliant device that operates according to rules defined from the hub network (Geiger; column 10 lines 8-54; authorization);

 receiving an add confirmation at said client from said server through said intermediary device; wherein said add confirmation indicates said client has been added as a member in said hub network (Geiger; column 10 lines 8-54, column 12 lines 19-31; adding member);

 providing licenses for content data bound to said hub network members of said hub network (Geiger; column 3 lines 13-23, column 4 lines 22-35, column 8 lines 28-45, column 10 lines 8-54; license certificates to members of domain);

 wherein a source version of the content data is stored on the server, and copies of the source versions are stored on the compliant device as sub-copy versions (Geiger; column 8 lines

Art Unit: 2433

28-45, column 10 lines 8-54; server maintains source version of content and provides copies to domain members).

16. As to Claim 31, Geiger discloses the method of claim 29, wherein the client is in the local environment of the server when the client is in a limited area defined relative to the server (Geiger; column 12 lines 19-31).

17. As to Claim 46, Geiger discloses a method of reconnecting a client to a hub network, comprising:

detecting a client connected to a hub network (Geiger; column 10 lines 8-54; connect);
authenticating and authorizing the client as a member of the hub network when it is determined that the client is a compliant device that operates according to rules defined for the hub network, and that the client is in a local environment of the server (Geiger; column 10 lines 8-54; authentication/authorization);

providing licenses for content data bound to said hub network members of said hub network (Geiger; column 3 lines 13-23, column 4 lines 22-35, column 8 lines 28-45, column 10 lines 8-54; license certificates to members of domain);

wherein a source version of the content data is stored on the server, and copies of the source versions are stored on the compliant device as sub-copy versions (Geiger; column 8 lines 28-45, column 10 lines 8-54; server maintains source version of content and provides copies to domain members).

Art Unit: 2433

18. As to Claim 47, Geiger discloses the method of claim 46, further comprising refreshing one or more licenses stored on said client (Geiger; column 10 lines 8-54).

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Geiger, as applied to Claim 1, and further in view of U.S. Patent Application Publication No. 2005/0273608 to Kamperman (hereinafter "Kamperman").

21. As to Claim 7, Geiger discloses the method of claim 1. Kamperman discloses sending a compliance confirmation request to the client to request information from the client to confirm that the client will abide by the rules defined for a hub network (Kamperman; paragraphs 5, 6, 29-31; authentication includes device compliance).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify authentication, as disclosed by Geiger, to include compliance confirmation,

Art Unit: 2433

as disclosed by Kamperman, in order to provide enhanced methods of authentication in a DRM network.

22. Claims 9, 10, 48, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geiger, as applied to Claims 1 and 46 above, and further in view of U.S. Patent Application Publication No. 2003/0167392 to Fransdonk (hereinafter "Fransdonk").

23. As to Claim 9, Geiger discloses the method of claim 1. Fransdonk discloses wherein authorizing said client includes sending a local environment confirmation request to said client to determine whether the client is in the local environment, wherein the local environment is a limited area defined relative to the server (Fransdonk; paragraphs 368-371).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the client/server, as disclosed by Geiger, to include a local environment, as disclosed by Fransdonk, in order to provide geographic access criteria in DRM networks.

Fransdonk describes retrieving information from said client indicating whether said client is in a local environment of said server, and said local environment is a limited area defined relative to said server. While Fransdonk does not explicitly describe prompting the client in order to retrieve this information, it would have been well within the scope of one of ordinary skill in the art to make such a trivial modification in view of Geiger (which already prompts the client for information prior to authorization) with a reasonable expectation of success.

Art Unit: 2433

24. As to Claim 10, Geiger and Fransdonk discloses the method of claim 9. Fransdonk discloses receiving a reply from the client in response to the local environment confirmation request (Fransdonk; paragraphs 368-371).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the client/server, as disclosed by Geiger, to include a local environment, as disclosed by Fransdonk, in order to provide geographic access criteria in DRM networks.

Fransdonk describes retrieving information from said client indicating whether said client is in a local environment of said server, and said local environment is a limited area defined relative to said server. While Fransdonk does not explicitly describe prompting the client in order to retrieve this information, it would have been well within the scope of one of ordinary skill in the art to make such a trivial modification in view of Geiger (which already prompts the client for information prior to authorization) with a reasonable expectation of success.

25. As to Claim 48, Geiger discloses the method of claim 46. Fransdonk discloses wherein authorizing said client includes sending a local environment confirmation request to said client to determine whether the client is in the local environment, wherein the local environment is a limited area defined relative to the server (Fransdonk; paragraphs 368-371).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the client/server, as disclosed by Geiger, to include a local environment, as disclosed by Fransdonk, in order to provide geographic access criteria in DRM networks.

Fransdonk describes retrieving information from said client indicating whether said client is in a local environment of said server, and said local environment is a limited area defined

Art Unit: 2433

relative to said server. While Fransdonk does not explicitly describe prompting the client in order to retrieve this information, it would have been well within the scope of one of ordinary skill in the art to make such a trivial modification in view of Geiger (which already prompts the client for information prior to authorization) with a reasonable expectation of success.

26. As to Claim 49, Geiger and Fransdonk discloses the method of claim 48. Fransdonk discloses receiving a reply from the client in response to the local environment confirmation request (Fransdonk; paragraphs 368-371).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the client/server, as disclosed by Geiger, to include a local environment, as disclosed by Fransdonk, in order to provide geographic access criteria in DRM networks.

Fransdonk describes retrieving information from said client indicating whether said client is in a local environment of said server, and said local environment is a limited area defined relative to said server. While Fransdonk does not explicitly describe prompting the client in order to retrieve this information, it would have been well within the scope of one of ordinary skill in the art to make such a trivial modification in view of Geiger (which already prompts the client for information prior to authorization) with a reasonable expectation of success.

27. Claim 11 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geiger and Fransdonk, and further in view of U.S. Patent Application Publication No. 2007/0112948 to Uhlik (hereinafter "Uhlik").

28. As to Claim 11, Geiger and Fransdonk disclose the method of claim 11. Uhlik discloses wherein authorizing said client includes measuring the time between sending said local environment confirmation request and receiving a reply from said client (Uhlik; paragraphs 67, 68, 100, 122; round trip time).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify authorization, as disclosed by Geiger, to include round trip time, as disclosed by Uhlik, in order to facilitate improved service based on subscriber information.

29. As to Claim 50, Geiger and Fransdonk disclose the method of claim 49. Uhlik discloses wherein authorizing said client includes measuring the time between sending said local environment confirmation request and receiving a reply from said client (Uhlik; paragraphs 67, 68, 100, 122; round trip time).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify authorization, as disclosed by Geiger, to include round trip time, as disclosed by Uhlik, in order to facilitate improved service based on subscriber information.

30. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Geiger and Uhlik.

Art Unit: 2433

31. As to Claim 12, Geiger discloses the method of claim 1. Geiger does not explicitly disclose, however Uhlik discloses wherein sending said local environment confirmation request includes pinging said client (Uhlik; paragraphs 67, 68, 100, 122; pinging).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify authorization, as disclosed by Geiger, to include pinging, as disclosed by Uhlik, in order to facilitate improved service based on subscriber information.

32. Claims 8, 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geiger, as applied to Claim 1 above, and further in view of U.S. Patent No. 7,203,966 to Abburi et al. (hereinafter "Abburi").

33. As to Claim 14, Geiger discloses the method of claim 1. Abburi discloses confirming a device count of members in said hub network by comparing said device count with a member device limit; wherein said client will not be added as a member in said hub network if said device count is greater than or equal to said member device limit (Abburi; column 61 lines 44-67 and column 62 lines 1-35; device count/limit).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the disclosure of Geiger to include a device count and device member limit, as disclosed by Abburi, in order to limit license provisioning in a DRM network.

Art Unit: 2433

34. As to Claim 15, Geiger and Abburi disclose the method of claim 14. Abburi further discloses increasing said device count after adding said client as a member (Abburi; column 61 lines 44-67 and column 62 lines 1-35; device count/limit).

35. As to Claim 16, Geiger discloses the method of claim 1. Abburi discloses comparing a device count of members in said hub network with a member device limit; and confirming said device count by contacting an external device registration server (Abburi; column 61 lines 44-67 and column 62 lines 1-35; device count/limit).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the disclosure of Geiger to include a device count and device member limit, as disclosed by Abburi, in order to limit license provisioning in a DRM network.

36. As to Claim 17, Geiger and Abburi disclose the method of claim 16. Abburi further discloses sending a device add request to said device registration server; and receiving a device add permission from said device registration server; wherein said device add request includes said device count (Abburi; column 61 lines 44-67 and column 62 lines 1-35; device count/limit).

37. As to Claim 8, Geiger and Abburi disclose the method of claim 17, wherein the device registration server sends the device add permission by comparing the member device limit to how many hub networks to which the client has already been added as a member (Abburi; column 61 lines 44-67 and column 62 lines 1-35; device count/limit).

Conclusion

38. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Krishnan whose telephone number is (571) 270-5009. The examiner can normally be reached on Monday through Friday from 9:00 AM to 5:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2433

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/V. K./

Examiner, Art Unit 2433

/VIVEK SRIVASTAVA/

Supervisory Patent Examiner, Art Unit 2445